

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

RONNIE GENE EDWARDS
Plaintiff,

V.

**KENT MICHAEL EVERETT, XPRESS
GLOBAL SYSTEMS, INC., and U.S.
XPRESS, INC.**
Defendants.

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CIVIL ACTION NO. _____

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

NOW COMES Ronnie Gene Edwards, hereinafter called Plaintiff, complaining of and about Kent Michael Everett, Xpress Global Systems, Inc., and U.S. Xpress, Inc., hereinafter called Defendants, and for cause of action shows unto the Court the following:

1. The jurisdiction of this Court attached under the provisions of 28 U.S.C. § 1332, in that the amount in controversy exceeds, exclusive of interest and costs, the sum of Seventy-five Thousand and no/100 Dollars (\$75,000.00), and the parties are citizens of different states.

2. Plaintiff, Ronnie Gene Edwards, is an individual whose address is 3113 Lynette Drive, Amarillo, Texas 79109.

3. Defendant Kent Michael Everett, an individual who is a nonresident of Texas, may be served with process at his home at the following address: 124 NE 23rd Street, Oklahoma City, Oklahoma 73160. Service of said Defendant as described above can be effected by personal delivery.

4. Defendant Xpress Global Systems, Inc., is duly authorized to do business in the

State of Texas, and may be served with process by serving its registered agent for service, Corporation Service Company d/b/a CSC-Lawyers Inco, at 211 E. 7th Street, Ste. 620, Austin, Texas 78701. Service of said Defendant as described above can be affected by personal delivery.

5. Defendant U.S. Xpress, Inc., is duly authorized to do business in the State of Texas, and may be served with process by serving its registered agent for service, Corporation Service Company d/b/a CSC-Lawyers Inco, at 211 E. 7th Street, Ste. 620, Austin, Texas 78701. Service of said Defendant as described above can be affected by personal delivery.

6. On or about June 25, 2013, at approximately 1:25 p.m. Plaintiff Ronnie Gene Edwards was stopped behind traffic at a red light in the northbound lane in the 4500 block of South Western Street in Amarillo, Randall County, Texas. There was a vehicle stopped behind Plaintiff. Defendant Kent Michael Everett was driving a tractor/trailer rig, owned and operated by Defendant Xpress Global Systems, Inc. and/or Defendant U.S. Xpress, Inc., northbound in the center lane when he failed to yield the right-of-way attempting to make a right turn from the wrong lane striking the vehicle behind Plaintiff, causing the vehicle to strike the rear of Plaintiff's vehicle, projecting Plaintiff's vehicle into the rear of the vehicle in front of him.

7. Defendant Kent Michael Everett had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

8. Plaintiff's injuries were proximately caused by Defendant Kent Michael Everett's negligent, careless and reckless disregard of said duty.

9. The negligent, careless and reckless disregard of duty of Defendant Kent Michael Everett consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant Kent Michael Everett failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant Kent Michael Everett failed to turn his motor vehicle to the left in an effort to avoid the collision complained of;
- C. In that Defendant Kent Michael Everett was operating his motor vehicle at a rate of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances;
- D. In that Defendant Kent Michael Everett failed to apply his brakes to his motor vehicle in a timely and prudent manner; and
- E. In that Defendant Kent Michael Everett made an illegal turn, turning right from the wrong lane.

10. At the time of the occurrence of the act in question and immediately prior thereto, Defendant Kent Michael Everett was within the course and scope of employment for Defendants Xpress Global Systems, Inc. and/or U.S. Xpress, Inc.

11. At the time of the occurrence of the act in question and immediately prior thereto, Defendant Kent Michael Everett was engaged in the furtherance of Defendants Xpress Global Systems, Inc. and/or U.S. Xpress, Inc.

12. At the time of the occurrence of the act in question and immediately prior thereto, Defendant Kent Michael Everett was engaged in accomplishing a task for which he was employed.

13. Plaintiff invokes the doctrine of Respondeat Superior as against Defendants Xpress Global Systems, Inc. and/or U.S. Xpress, Inc..

14. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Ronnie Gene Edwards was caused to suffer permanent bodily injuries, and to incur the following damages in at least the sum of \$150,000.00:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, Ronnie Gene Edwards for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Potter and/or Randall County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Mental anguish in the past; and
- H. Mental anguish in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Ronnie Gene Edwards, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

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